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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen L. Spurgeon et al. Art Unit :
Serial No. : Examiner :
Filed : January 28, 2002
Title : DECORATING SYSTEM FOR EDIBLE ITEMS

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Prior to examination, please amend the application as follows:

In the specification:

Page 1, please delete lines 2-4 and replace with the following:

--This application is a continuation of U.S. Serial No. 09/144,046 filed August 31, 1998, which is based on the subject matter of provisional patent application serial number 60/079,335, filed on March 25, 1998.--

Replace the paragraph beginning at page 14, line 7 with the following rewritten paragraph:

-- Other examples of edible layers are described in U.S. Patent No. 5,017,394, assigned to the Lucks Company, and incorporated herein by reference. This type of edible layer is formed from a flour and/or starch base as opposed to the sugar base of the fondants. Another example of an edible layer is disclosed in U.S. Patent No. 4,334,404, issued to Garcia et al. an incorporated herein by reference. --

In the claims:

Please cancel claims 1 ~~28~~ without prejudice or disclaimer.

Please add claims 38-93 as follows:

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Rule 1.26